

STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

On this the 18th day of September, 2006 the City Council of the City of Aransas Pass convened in a Regular Council Meeting immediately following a Workshop of the City Council being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Jesus Galvan, Mayor
Dorothy Roberts, Mayor Pro Tempore
Frank Hametner, Council Member
Grace Chapa, Council Member
Tommy Knight, Council Member

ABSENT: None

ADMINISTRATIVE PERSONNEL PRESENT: Scott Thompson, City Manager
Allen Lawrence, City Attorney
Ada Owens, City Secretary

ADMINISTRATIVE PERSONNEL ABSENT: None

STAFF PRESENT: Darren Gurley, Director of Public Works
Darrell Jones, Police Chief
Bill Haines, Assistant Police Chief/Harbormaster
Sandy Roddel, Finance Director
Frank Truitt, City Inspector
Gilbert Ritz, Fire Chief

OTHERS PRESENT: Ralph & Lu Arcemont, Sami Shirley, Jim & Alpha Covington, James & Lisa Hale, Jeanie & Donald Brummett, Ann Melton, Richard Smith, Patty Gilden, RoseMary Upton, Blake Anthony, Judge Spencer, Mary Gene Frandolig, Lou McCleese, Ernie Torres, Jim Garner, Nancy Allen, Brock Vardsveen, Billy Ellis, Jay Masterson, Henry Neuman, Irene Irey, Belinda Ritz, Hope Comingore, Richard Gonzales, Margaret Garrett, Colleen Abshire, Lucille Spriggs, Eva Young, Earl Buckmaster, Paul Young Sr.

(There may have been others present who did not sign in.)

ITEM 1. CALL MEETING TO ORDER.

Mayor Pro Tempore Roberts called the meeting to order at 7:00 p.m. on September 18, 2006 and stated Mayor Galvan would be late.

ITEM 2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG AND THE TEXAS FLAG.

Council Member Hametner gave the Invocation.

Council Member Chapa led the Pledge of Allegiance to the United States Flag and the Texas Flag.

Note: Mayor Galvan arrived at 7:08 p.m. and led the council meeting.

ITEM 3.

CITIZEN'S COMMENTS.

Ms. Sami Shirley stated she supports the animal campaign and donates to the animal rescue cause. Ms. Shirley stressed the importance of helping animals and urged the City to help with supplemental funds for the rabies clinic and stated volunteers were needed for the clinic. A trap, neuter and release program would start October 16 and that program would also need supplemental funding.

City Manager Scott Thompson stated the City would help any way possible. He stated Ms. Shirley should tell him what was needed.

Ms. Margaret Garrett asked that former Governor Ann Richards be remembered and our President as he addresses the United Nations. She asked if the Council had received any information from the Conn Brown Harbor Stakeholders Committee in regards to the Management Plan that has a deadline of October 31. The Committee had not met since a public hearing on the Management Plan in August and so far there is not a written plan that she knows of.

Ms. Garrett stated that Saturday the Conn Brown Clean Up Association will join the Adopt-A-Beach program of the Texas General Land Office (GLO) and she introduced Ms. Colleen Abshire who stated she had worked with Ms. Garrett to get the City to clean up the Harbor so she and Ms. Garrett have decided to clean up the Harbor themselves because the City was not allocating any funds for clean up. Ms. Abshire invited the public to join the clean up of the Harbor. She stated the clean up would be on Saturday, September 23, from 8:30 a.m. to 3:00 p.m.

Ms. Garrett stated in the last two weeks the City crew has cleaned off parts of the seawall and has done a great job in repairing Bigelow Street, but there is still work to be done.

ITEM 4.

CONSENT AGENDA – “All of the Following items on the Consent Agenda are considered to be routine by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member so requests. If discussion is desired that item will be removed from the Consent Agenda and will be considered separately”.

A. Approval of Minutes of a Regular Meeting of September 5, 2006.

Council Member Chapa made the motion to approve the consent agenda. Mayor Pro Tempore Roberts seconded the motion and the motion carried unanimously.

ITEM 5.

PUBLIC HEARING ON REQUEST OF IRON GATOR, INC. TO ABANDON PORTIONS OF ROBERT ROAD LOCATED ADJACENT TO LANDBLOCK 5, A PORTION OF LOT 7 AND ALL OF LOTS 8 THROUGH 11 AND BENTWOOD ROAD LOCATED ADJACENT TO LANDBLOCK 6, A PORTION OF LOT 1 AND ALL OF LOTS 2 THROUGH 10, ADJOINING PROPERTY SOLELY OWNED BY IRON GATOR, INC.

Mr. Allen Lawrence, City Attorney declared the Public Hearing open at 7:13 p.m. on the request of Iron Gator, Inc to abandon portion of Robert Road and Bentwood Road owned by Iron Gator, Inc.

Mr. Brock Vardsveen stated the golf course would include the road right-of-ways, therefore the right-of-ways would have to be abandoned.

Council Member Hametner stated the property is unimproved and never been used so he saw no reason not to grant Mr. Vardsveen's request.

The City Attorney asked if there was anyone present who opposed the request to the application. Seeing no one, the City Attorney closed the Public Hearing at 7:15 p.m.

ITEM 6.

CONSIDER AND ACT ON REQUEST OF IRON GATOR, INC. TO ABANDON PORTIONS OF ROBERT ROAD LOCATED ADJACENT TO LANDBLOCK 5, A PORTION OF LOT 7 AND ALL OF LOTS 8 THROUGH 11 AND BENTWOOD ROAD LOCATED ADJACENT TO LANDBLOCK 6, A PORTION OF LOT 1 AND ALL OF LOTS 2 THROUGH 10, ADJOINING PROPERTY SOLELY OWNED BY IRON GATOR, INC.

Mayor Pro Tempore Roberts made the motion to approve the request of Iron Gator to abandon portions of Robert Road and Bentwood Road. Council Member Knight seconded the motion and the motion carried unanimously.

ITEM 7.

CONSIDER AND ACT ON REQUEST OF MR. RICHARD GONZALES ON BEHALF OF THE A.C. BLUNT SCIENCE & SPANISH CLUB FOR FUNDING SUPPORT FOR THE CLUB'S ANNUAL REDFISH BAY ADOPT-A-BEACH CLEANUPS ON SEPTEMBER 23, 2006 AND APRIL 21, 2007 AND FREE ENTRY INTO THE AQUATICS CENTER TO SWIM FROM 1:45 P.M.-3:00 P.M. AFTER THE CLUB HAS COMPLETED EACH BEACH CLEANUP.

Mr. Richard Gonzales made his presentation to the Council concerning the Adopt-A-Beach project and expanding the area of clean up. Mr. Gonzales explained the Club had switched their clean up project from the Lighthouse Lakes area to the Red Fish Bay area and their goal was to go beyond that point. He stated last year he had asked for \$270.00 and this year he was asking the City for \$450.00. Mr. Gonzales explained the expansion of the Club, project areas, their future plans why the Texas Parks & Wildlife designated Red Fish Bay as a scientific study area.

Mr. Gonzales asked for free entry into the Aquatics Center for Club's clean up volunteers.

Council Member Hametner made the motion to approve the request of Mr. Gonzales for free entry into the Aquatics Center for the Club's clean up volunteers. Mayor Pro Tempore Roberts seconded the motion and the motion carried unanimously.

ITEM 8.

CONSIDER AND ACT ON RESOLUTION 2006-570 SUPPORTING DROUGHT RELIEF EFFORTS FOR FARMING AND COMMERCIAL FISHERIES IN THE COMMUNITY.

Ms. Margaret Garrett stated the drought relief efforts had been publicized and several counties including San Patricio and Aransas Counties were eligible for relief. She stated a resolution in support of the commercial shrimpers and fishermen was needed to apply for government relief.

Council Member Knight made the motion to approve Resolution 2006-570 supporting drought relief efforts from farming and commercial fisheries in the community. Council Member Hametner seconded the motion and the motion carried unanimously.

ITEM 9.

PUBLIC HEARING PROPOSED CITY BUDGET BEGINNING OCTOBER 1, 2006 AND ENDING SEPTEMBER 30, 2007.

The City Attorney declared the Public Hearing open at 7:27 p.m. on the proposed City budget beginning October 1, 2006 and ending September 30, 2007.

The City Manager stated he had proposed a tax rate of .061 cents per \$100.00 of valuation. He stated all recommendations from Council had been incorporated and he was still proposing .061 cents which is the rollback rate.

The City Manager stated he had three different tax rates for the Council to consider. He stated the City had a very good budget last year and a strong budget this year.

Council Member Hametner suggested the discretionary fund for the City Manager and eliminate the Assistant City Manager position.

Mayor Galvan asked if the Assistant City Manager position was eliminated, would the City Manager allocate a department head for those tasks?

The City Manager stated it would be difficult, he was doing the job before the position was instituted. The evidence is that our efficiency has improved dramatically.

Council Member Knight stated he thought efficiency had improved because someone was on the job all the time.

Council Member Chapa asked what the City Manager planned to use the \$5,000.00 discretionary fund for?

The City Manager stated for unexpected expenses that come up.

Mayor Galvan asked who would take over the court?

The City Manager stated Sandy Roddel would take over the finance department and he would have to restructure for court administration.

Council Member Chapa asked could the City Manager get someone for less pay to do the same duties?

The City Manager stated he did not think he could. The Assistant city Manager has run the departments so much more efficiently and was well worth the money and he could prove it.

The City Attorney asked if there was anyone present who had any questions regarding the proposed budget. Seeing no one, the City Attorney closed the Public Hearing at 7:34 p.m.

ITEM 10.

CONSIDER AND ACT ON ORDINANCE 2006-3904 – ADOPTING THE FISCAL YEAR 2006-2007 BUDGET OF THE CITY OF ARANSAS PASS.

Council Member Hametner made the motion to approve Ordinance 2006-3904 adopting the fiscal year 2006-2007 budget of the City of Aransas Pass with the amendment that the Assistant City Manager position not be funded. After discussion, Council Member Hametner amended his original amendment to say there would be an unnamed position with a maximum salary of \$34,000.00 to replace the phrase "the Assistant City Manager position not be funded." Council Member Chapa seconded the motion and the motion carried unanimously.

ITEM 11.

CONSIDER AND ACT ON ORDINANCE 2006-3905 – AN ORDINANCE LEVYING UPON THE ASSESSED VALUATION OF THE PROPERTY WITHIN THE CITY OF ARANSAS PASS, TEXAS SUBJECT TO TAXATION, A CERTAIN SUM UPON EACH ONE HUNDRED (\$100.00) DOLLARS OF VALUATION SUFFICIENT TO RAISE THE AMOUNT ESTIMATED TO BE REQUESTED IN THE ANNUAL BUDGET, LESS THE AMOUNT ESTIMATED TO BE RECEIVED FROM FINES, LICENSES, AND OTHER SOURCES OF REVENUE.

The City Manager stated there were proposals of .059 cents, .060 cents and .061 cents and the primary difference, up until now, was the fund difference. He stated he recommended .061 cents per \$100.00.

Council Member Hametner stated he was leaning toward the .059 cents rate which was slightly above the effective tax rate.

Council Member Chapa stated she wanted an opinion from Finance Director Sandy Roddel.

The Finance Director stated it would depend on what reserves Council would want. After being asked for her professional opinion, Ms. Roddel stated .060 cents would leave a good reserve balance considering the change in the Assistant City Manager position.

Council Member Hametner asked the Finance Director if \$90,000.00 was saved, then the budget would be covered?

The Finance Director stated yes.

Council Member Knight stated he was stuck on .059 cent rate. There was a lot of money wasted.

Mayor Pro Tempore Roberts made the motion to approve the .0601243 cent tax rate. Council Member Hametner seconded the motion and the motion carried 4 to 1 with Mayor Galvan, Mayor Pro Tempore Roberts, Council Member Chapa and Council Member Hametner voting yes. Council Member Knight voting no.

ITEM 12.

CONSIDER AND ACT ON INCREASING HARBOR LEASES BY 10%.

The City Manager recommended an increase of 10% on the Harbor leases.

After discussion regarding allocating money for Harbor clean up, Council Member Hametner made the motion to approve a 10% increase in Harbor leases and the monies from the 10% increase to be allocated for Harbor clean up and maintenance. Mayor Pro Tempore Roberts seconded the motion and the motion carried unanimously.

ITEM 13.

RECESS REGULAR MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF TEXAS GOVERNMENT CODE.

Recessed into Executive Session at 7:52 p.m.

- A. Section 551.074, Personnel Matters at the Request of Municipal Court Judge Peggy Spencer regarding compensation.
- B. Section 551.071, Consultation with Attorney regarding legal matters related to possible voter fraud.

ITEM 15.

RECONVENE IN REGULAR MEETING AND CONSIDER AND ACT ON FINDINGS OF EXECUTIVE SESSION.

Reconvened at 8:53 p.m.

- A. Section 551.074, Personnel Matters at the Request of Municipal Court Judge Peggy Spencer regarding compensation.

Mayor Galvan stated there was no action taken.

- B. Section 551.071, Consultation with Attorney regarding legal matters related to possible voter fraud.

Council Member Knight made the motion that the City Attorney contact the Office of the Attorney General to investigate any wrong doing in the recall. Mayor Pro Tempore Roberts seconded the motion and the motion carried unanimously.

ITEM 19.

ADJOURNMENT OF MEETING.

Mayor Galvan adjourned the meeting at 8:59 p.m.

Jesus R. Galvan, Mayor

ATTEST:

Ada Owens, City Secretary